

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY
Log #1087002

O

I. INTRODUCTION

Subject 1 was involved in a traffic crash with a marked CPD patrol vehicle, and CPD members arrested Subject 1 for driving under the influence of alcohol. The next day, Subject 1 filed a complaint with COPA. Subject 1 alleged that the officer driving the CPD patrol vehicle was at fault in the crash and that multiple CPD members had conspired to falsely arrest Subject 1 for drunk driving and to falsely blame Subject 1 for the crash, covering up the driving officer's misconduct.

II. ALLEGATIONS

- A. It is alleged that on October 5, 2017, at approximately 3:04 a.m., at the intersection of Lake Street and North Lorel Avenue, the accused, **Officer A, Star #XXXXX, Employee #XXXXXX, Unit #XXX**, made willful and materially false statements to other CPD members who responded to a traffic crash by falsely stating that Subject 1 had failed to stop at a stop sign.
- B. It is alleged that on October 5, 2017, at approximately 3:04 a.m., at the intersection of Lake Street and North Lorel Avenue, the accused, **Officer B, Star #XXXXX, Employee #XXXXXX, Unit #XXX**:¹ made willful and materially false statements to other CPD members who responded to a traffic crash by falsely stating that Subject 1 had failed to stop at a stop sign.
- C. It is alleged that on October 5, 2017, at approximately 3:04 a.m., at the intersection of Lake Street and North Lorel Avenue, the accused, **Officer C, Star #XXXXX, Employee #XXXXXX, Unit #XXX**: falsely arrested Subject 1 for driving under the influence, knowing that Subject 1 had not committed this offense.
- D. It is alleged that on October 5, 2017, at approximately 3:04 a.m., at the intersection of Lake Street and North Lorel Avenue, the accused, **Officer D, Star #XXXXX, Employee #XXXXXX, Unit #XXX**: falsely arrested Subject 1 for driving under the influence, knowing that Subject 1 had not committed this offense.
- E. It is alleged that on October 5, 2017, at approximately 3:04 a.m., at the intersection of Lake Street and North Lorel Avenue, the accused, **Officer E, Star #XXXXX, Employee #XXXXXX, Unit #XXX**: falsely arrested Subject 1 for driving under the influence, knowing that Subject 1 had not committed this offense.
- F. It is alleged that on October 5, 2017, at approximately 3:04 a.m., at the intersection of Lake Street and North Lorel Avenue, the accused, **Officer F, Star #XXXX, Employee #XXX, Unit #XXX**: falsely arrested Subject 1 for driving under the influence, knowing that Subject 1 had not committed this offense.

¹ At the time of this incident, Officer B was detailed to Unit XXX from Unit XXX.

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III. INVESTIGATION

COPA gathered relevant physical and documentary evidence associated with this incident. Additionally, COPA obtained statements from numerous individuals including the accused sergeant. A summary of this evidence follows.

A. Statement of Complainant Subject 1

COPA investigators interviewed Subject 1 on October 6, 2017. Subject 1 said that at about 3:00 a.m. on October 6, 2017, he left his home at XXXX West Washington Street to move his car because of temporary street-cleaning parking restrictions that would be in effect the next day. He drove around the neighborhood looking for parking, heading south on North Lorel Avenue towards Lake Street, coming to a complete stop at the “stop” sign at the intersection of Lorel and Lake. After stopping, Subject 1 slowly moved into the intersection, intending to make a right turn and head east on Lake. Subject 1 said that a large building on the southwest corner of Lake and Lorel made it difficult to see oncoming traffic without first moving forward. As he moved forward, Subject 1 looked to the west and did not see any light reflected on the pavement from oncoming traffic, so he continued to make his turn. As he entered the intersection, his car was struck on the driver’s side by a marked “blue and white” CPD patrol vehicle. Subject 1 said that the patrol vehicle was traveling at between 45 and 50 miles per hour, considerably over the speed limit, and that none of the patrol vehicle’s lights, including the headlights, were on.

Subject 1 said that the driver and passenger in the patrol vehicle that struck him were female CPD officers, one white and one Hispanic. After the accident, Subject 1 exited his vehicle, and the female officers directed him to stand at the front of their patrol vehicle. The female officers then called for backup, and several additional patrol cars arrived on scene within minutes. After additional officers arrived, Subject 1 said that the female officers drove away, leaving Subject 1 with several white male officers. Subject 1 said that a male officer placed him in the back of a patrol car and drove him to the 15th District police station, where he was told that he was being charged with driving under the influence of alcohol. Subject 1 asked the officers involved in his arrest for their names and badge numbers, and Officer C, Officer D, Officer E, and Officer F wrote their names and badge numbers on a piece of paper.²

Subject 1 said that he had not consumed any alcohol or any other intoxicating drugs on either October 4 or October 5, 2017, and that he was entirely sober at the time of the accident. Subject 1 said that he believes the male officers arrested him and charged him with driving under the influence to cover up the fact that the female officers had been at fault in the traffic accident.³

² CPD Attendance & Assignment records document that Officer C and Officer D were assigned to Beat XXXXX and were working at the time of the incident. The same records document that Officer F and Officer E were assigned to Beat XXXXX and were working at the time of the incident. (Attachment 20)

³ Subject 1 cited the fact that officers who were not involved in the crash had conducted the crash investigation and issued the citations as evidence of the alleged coverup. CPD Special Order S04-07-03, however, requires that a member who was not involved in a crash be assigned to investigate a crash involving a CPD vehicle (§IV.A.1). The same policy prohibits a member who is involved in a traffic crash from issuing a citation to the operator of the other vehicle (§IV.C.3). This special order was issued on March 28, 2016, and was in effect at the time of the incident under investigation. (Attachment 40)

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Subject 1 said that he was not asked to perform any sobriety tests at the scene of the accident, and he refused to take a “breathalyzer” test at the police station. Subject 1 said that he refused the breath test to protest his false arrest and to protest the fact that the female police officers had not been ordered to take a breath test. Subject 1 said that one of the male officers issued him three tickets for traffic offenses, and he was then released after being photographed and fingerprinted. (Attachment 8)

B. Chicago Police Department Reports

The following reports were obtained by COPA and made part of the investigation.

1. Traffic Crash Report, RD #XXXXXXX⁴

A traffic crash report signed by Officer C documents that Subject 1 was involved in a crash with CPD vehicle XXXXXX, a 2016 model Ford Explorer,⁵ at 3:04 a.m. on October 5, 2017, at the intersection of Lake and Lorel. The driver of the patrol vehicle was Officer A and the passenger was Officer B. The report further documents that the patrol vehicle was traveling east on Lake when it struck Subject 1’s vehicle, which failed to stop at a stop sign when traveling northbound on Lorel. (Attachment 17)

2. Other CPD Reports

A vehicle impound / seizure report documents that Subject 1’s 2003 Buick Lesabre was impounded pursuant to CPD policy following Subject 1’s arrest for driving while intoxicated. A Breathalyzer Test Report signed by Officer F documents that Subject 1 refused to take the test. A CPD Traffic Crash/Damage Report prepared by Officer A documents that Officer A’s patrol vehicle was traveling eastbound on Lake when she struck Subject 1’s vehicle after Subject 1 disregarded a stop sign while traveling northbound on Lorel. A CPD Driver’s Crash Statement completed on behalf of Subject 1 by Sergeant A, Star #XXXX, documents that Subject 1 refused to answer questions and requested a lawyer. (Attachments 11, 12, and 43)

C. OEMC Records

1. OEMC Event Query Report: Event Number XXXXXXXX

⁴ The associated Arrest Report, XXXX, documents substantially the same information as the traffic crash report, and also documents that Subject 1 was charged with driving under the influence of alcohol, failing to stop at a stop sign, and failing to carry or display a driver’s license. The narrative of the arrest report documents that Subject 1 had a strong odor of alcohol on his breath at the time of the crash and that Subject 1 had slurred speech, exhibited poor ability to follow directions, and kept repeating himself. The report also documents that Subject 1 refused to take field sobriety tests and refused a breath analysis test. (Attachment 19)

⁵ The year-of-manufacture for vehicle XXXXXX is not listed on the traffic crash report. A City of Chicago asset report lists the year-of-manufacture for this vehicle as 2016. (Attachment 47)

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An OEMC Event Query Report documents that officers assigned to Beat XXXXX were involved in an automobile accident at the intersection of Lake and Lorel at 3:04 a.m. on October 5, 2017, and that multiple other units responded to assist.⁶

2. Global Positioning System (“GPS”) Report

A GPS report received from OEMC documents that shortly before 3:05 a.m. on October 5, 2017, CPD patrol vehicle XXXX was traveling at the following locations, directions, and speeds:

Location	Direction	Speed
North Central & West End	North on North Central	32 miles per hour
North Central & Fulton	North on North Central	24 miles per hour
Lake and Lotus	East on Lake	29 miles per hour
Lake and Lorel	East on Lake	35 miles per hour

The GPS report also indicates that vehicle XXXX remained stationary on Lake just west of Lorel from approximately 3:05 a.m. to 3:27 a.m. (Attachments 36 and 37)

D. Canvass⁷

COPA investigators conducted a canvas of the XXXX block of West Lake Street and the immediately surrounding area on October 12, 2017. The intersection of Lake and Lorel was photographed, and a “Stop” sign for traffic traveling north on Lorel at Lake was observed to be in place. No traffic control device was in place for traffic traveling east on Lake at Lorel. Investigators also searched for third-party surveillance cameras that may have captured the crash, but no recordings were found. (Attachments 41 and 42)

E. Body-Worn-Camera and In-Car-Camera Video Recordings

1. Body-Worn Camera – Officer A

COPA obtained a body-worn camera (“BWC”) video recording from Officer A. The recording depicts Officer A driving the patrol vehicle immediately prior to, during, and after the crash involving Subject 1. Because the camera was mounted on Officer A’s chest, the patrol vehicle’s steering wheel and parts of the instrument cluster were captured while she was driving. The BWC did not capture any images of the road ahead of the patrol vehicle, and the BWC video does not depict the crash. The BWC does, however, depict the vehicle’s lighting selector switch

⁶ CPD Attendance & Assignment records document that Officer B and Officer A were assigned to XXXXX and were working at the time of the incident. (Attachment 20)

⁷ On the date of the canvass, COPA investigators believed that the crash had occurred at the intersection of Lake and Lorel, as described in CPD reports and as described by Officer A. As explained in this summary report, an in-car-camera video recording that was turned over by CPD to COPA on October 17, 2017, shows that the crash actually occurred at the intersection of Lake and North Lockwood Avenue. The video recording conclusively shows that both the involved CPD members and Officer A were mistaken about the location of the crash. During the October 12 canvass of the Lorel and Lake intersection, COPA investigators did observe a “Stop” sign for traffic traveling north on Lockwood at Lake, along with an absence of traffic control devices for traffic traveling east on Lake at Lockwood. Based on the conclusive nature of the later-obtained in-car-camera video recording, another canvas was not conducted at the corrected location.

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and definitively shows that the headlight selector was turned to the “on” position.⁸ After the crash, the recording shows Subject 1 step out of his vehicle and interact with the officers. Subject 1 is unsteady on his feet and stumbles at times, slurs words when he speaks, and appears to have difficulty following the officers’ instructions to retrieve his driver’s license and to keep his shoes on his feet. Subject 1 also complains multiple times that the officers were not driving with their siren turned on. Subject 1 is eventually placed in the back seat of a patrol vehicle by Sergeant A, who then asks Officer A and Officer B to play back the in-car-camera video recording from their patrol vehicle. The BWC video recording then ends. (Attachment 25)

2. Additional Body-Worn-Camera Video Recordings

COPA obtained BWC video recordings from Officer B and seven (7) additional members who responded to the crash: Sergeant A, Officer F, Officer D, Officer C, Officer G, Officer H, and Officer E. All of these recordings are consistent with the events depicted in Officer A’s recordings. (Attachments 24, 26, 27, 28, 29, 30, 31, and 32)

3. In-Car-Camera Video Recording – XXXXX⁹

COPA obtained an in-car-camera (“ICC”) video recording from XXXXX that depicts the crash involving Subject 1. The recording shows that XXXXX parked in front of the 15th District police station at 1:53 a.m. on the night of the incident and remained stationary until 2:52 a.m. Officer B and Officer A then walk out of the station and enter the vehicle; reflected light against objects in front of the vehicle evince that the headlights turned on within seconds of the officers entering the vehicle. The officers then pull away from the curb and drive east on West Madison Street before turning left (north) onto North Central Avenue, driving at apparently normal speeds and with the flow of very light traffic. They turn right (east) on West Corcoran Place, which merges with Lake Street after one block, where they continue east on Lake. A speed limit sign on Lake shows that the posted speed limit is 30 miles per hour.¹⁰

As XXXXX approaches the intersection of Lake and Lockwood, a silver sedan travels north on Lockwood, momentarily stopping at the intersection of Lake and Lockwood before turning west onto Lake. When XXXXX reaches the intersection, the headlights of another vehicle can be seen heading north on Lockwood approaching Lake. As XXXXX enters the intersection heading east, a white sedan enters the intersection heading north, directly in front of the patrol vehicle, and XXXXX strikes the white sedan on the driver’s side. Based on the observable motion of the white sedan and the speed at which the sedan enters the intersection, it is apparent that the sedan did not stop at the “stop” sign before entering the intersection. After the collision, the white sedan continues to make a left (west) turn onto Lake, and continues driving west for one block. The blue overhead lights on the patrol vehicle then activate, and the patrol vehicle follows the

⁸ COPA obtained a digital copy of the 2016 Ford Explorer Owner’s Manual. The various positions of the lighting control switch are shown on page 80 of the owner’s manual. (Attachment 35)

⁹ Both the “event” recording from the incident under investigation and the “failsafe” recording beginning at midnight on the day of incident were obtained and reviewed by COPA.

¹⁰ The Traffic Crash Report (Attachment 17) prepared by Officer C indicates that the posted speed limit was 35 miles per hour. Whether the posted speed limit was 30 or 35 miles per hour does not affect the conclusions reached in COPA’s investigation.

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white sedan. The sedan stops just west of the intersection of Lake and Lorel, and Subject 1 exits the vehicle. The remainder of the ICC video is consistent with the previously summarized BWC video recordings. (Attachment 45)

F. Criminal Case Proceedings

Officer C issued three traffic tickets to Subject 1: (1) Failure to stop at stop sign, (2) Failure to produce driver's license, and (3) Driving under influence. A Notice of Summary Suspension/Revocation of driver's license, an individual recognizance bond slip, and a DUI Warning to Motorist form were also issued to Subject 1. An inquiry to the Clerk of the Circuit Court of Cook County showed that Subject 1's initial court appearance occurred on December 1, 2017, and that the case was continued to December 29, 2017, without resolution at the time this summary report was closed. (Attachments 9, 10, 13, 14, 15, 16, and 46)

COPA Investigator A

COPA Supervising Investigator A

IV. ANALYSIS and FINDINGS

The available GPS data and both the BWC and ICC video recordings demonstrate that XXXXX was driving at, or very close to, the speed limit at the time the crash occurred. The evidence also demonstrates that XXXXX's headlights were turned on and that Subject 1 caused the crash between his car and XXXXX when he entered the intersection without first stopping at a "stop" sign. Based on Subject 1's observed driving and his observed words and actions following the crash, the involved CPD members had probable cause to arrest Subject 1 on suspicion of driving under the influence. Further, the circumstances that Subject 1 cites as suspicious – that officers other than those involved in the crash investigated the crash and processed his arrest – are not suspicious at all. Rather, CPD policy requires that officers involved in a crash turn over the investigation to non-involved officers.

Because the available documentary and demonstrative evidence conclusively demonstrates that the crash did not occur in the manner described by Subject 1, that the involved CPD members had probable cause to arrest Subject 1, and that the involved CPD members followed the relevant CPD directives regarding reporting the crash, the Reporting Investigator recommends that each allegation against each involved officer be **Unfounded**.

Approved:

COPA Deputy Chief Administrator A